

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAURIE A. DEUSCHEL,

Plaintiff,

No. 2:03-cv-2072 GEB GGH PS

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On March 29, 2013, the Ninth Circuit Court of Appeals affirmed in part and reversed and remanded in part the district court's order granting summary judgment to defendant. The Ninth Circuit determined that remand was necessary to calculate the amount of money which the Commissioner must return to plaintiff. For one of the time periods at issue, from June, 1999 through February, 2000, the court estimated that the Commissioner must return approximately \$7,968 in overpayments based on the court's finding that for this third time period, substantial evidence did not support the agency's finding that plaintiff was not without fault in causing the overpayment. In addition, the court estimated that as of August 12, 2004, the agency had recouped all but \$1,143.50 of the \$13,848.30 overpayment total. Because the record was not clear whether the agency had subsequently recouped more of the overpayment, remand was

1 necessary. Although it appeared that “somewhere between \$7,968.00 and \$6,824.50 (i.e.  
2 \$7,968.00 minus \$1,143.50)” must be returned, the exact amount was unclear.

3 Therefore, the case will be remanded to the agency for a determination of the  
4 precise amount due to plaintiff, which would consist of the value of the overpayments made  
5 between June, 1999 and February, 2000, less the overpaid funds in plaintiff’s possession.

6 Accordingly, IT IS ORDERED that:

7 1. This case is remanded to the Commissioner for a determination of the amount  
8 due to plaintiff in accordance with the Ninth Circuit’s order, filed March 29, 2013.

9 2. The Commissioner shall file a statement setting forth the amount due, and  
10 refund said amount to plaintiff within sixty (60) days of this order.

11 DATED: June 6, 2013

12  
13 /s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE

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